

Remarks

This paper is being filed in response to the Office Action mailed November 25, 2003. Claims 38-44 and 49-55 are pending. Claims 38-44 were withdrawn in a previously filed paper. Claims 49, 51, 54 and 55 have been amended.

A "Request For Extension Of Time" for extending the due date for responding to the Office Action by two months and a credit card payment form (PTO-2038) to cover the fee payment for the extension (\$420) are being filed with this Amendment. Authorization is granted to charge our deposit account no. 18-1644 for any additional fees necessary for entry of this Amendment.

The Examiner has rejected applicants' claims 49-55 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the Yamagata, et al. (U.S. 5,719,984) patent in view of the Shimada, et al. (U.S. 4,575,772) patent. The Examiner has also rejected applicants' claims 49, 51-52 and 54-55 under 35 U.S.C. §102(b) as being anticipated by the Shimada, et al. patent. Applicants' claims 50 and 53 have been further rejected under 35 U.S.C. §103(a) as being unpatentable over the Shimada, et al. patent.

Applicants have amended applicants' independent claims 49, 51, 54 and 55, and with respect to such claims, as amended, and their respective dependent claims, the Examiner's rejections are respectfully traversed.

Applicants' independent claims 49, 51, 54 and 55 have been amended to better define applicants' invention. More particularly, applicants' independent claim 49, which is directed to a reproducing apparatus for reading out image information and ID data of the image

information recorded with the image information from a recording medium to output the information and the ID data to a display device, has been amended to recite in pertinent part:

... wherein the position at which the first type data is superimposed on a display screen of said display device in said first mode and the position at which the first type data is superimposed on the display screen in the second mode are different from each other in a reproducing mode for reproducing the image information and the ID data.

Applicants' claim 54, which is directed to a method for controlling a reproduction apparatus corresponding to claim 49, has been similarly amended.

Applicants' independent claim 51, which is directed to a reproducing apparatus for reading out information signal from a recording medium to output the signal to a display device, has been amended to recite in pertinent part:

... wherein said control means vary, depending on the display mode, the position at which the character information is displayed, even when the character information is not changed in a reproducing mode for reproducing the information signal and the ID information.

Applicants' claim 55, which is directed to a method for controlling a reproduction apparatus corresponding to claim 51, has been similarly amended.

The constructions recited in applicants' amended independent claims 49, 51, 54 and 55, and their respective dependent claims, are not taught or suggested by the cited art of record.

With respect to the Examiner's rejection of claims 49-55 under the judicially created doctrine of obviousness-type double patenting, the Examiner has acknowledged that claims 1 and 2 of the Yamagata, et al. patent do not teach a superimposing means and the features of the superimposing means recited in applicants' claims 49-55. The Examiner has, however, relied on the Shimada, et al. patent as disclosing such features.

The Examiner has argued that the applicants' claimed "first type data" and "second type data" are anticipated by DATA1 and DATA2, respectively, of the Shimada, et al. patent, and that the claimed first mode and second mode are anticipated by mode "01" and mode "11," respectively, of the Shimada, et al. patent. The Examiner has also argued that the Shimada, et al. patent teaches DATA1 being recorded in mode "01" and DATA1 and DATA2 being recorded in mode "11," and that the position at which the data of the first type (DATA1 in mode "01") is superimposed on a display screen in the first mode and the position at which the data of the first type (DATA1 and DATA2 in mode "11") is superimposed on a display screen in the second mode are different from each other because the amount of DATA1 in mode "01" and DATA1 and DATA2 in mode "11" are different.

Applicants respectfully disagree. Even if applicants accepted the Examiner's argument that DATA1 of the Shimada, et al. patent corresponds to the "first type data," DATA2 corresponds to the "second type data," "01" mode corresponds to the "first mode" and "11" mode corresponds to the "second mode," the Shimada, et al. patent still fails to teach or suggest varying the position of the character information on a display, depending on the mode, in a reproducing mode for reproducing the image information and the ID information.

Specifically, the Examiner has cited column 4, lines 1-21 and column 5, lines 16-63 of the Shimada, et al. patent as disclosing that the position at which the first type data is superimposed on a display screen of the display device in the first mode and the position at which the first type data is superimposed on the display screen in the second mode are different from each other.

The Shimada, et al. patent teaches that in the "01" mode, the output signal of the video RAM is recorded in the DATA1 track portion, while an audio signal is recorded in the

DATA2 track portion, and that in the "11" mode the character video signal is recorded in both track portions DATA1 and DATA2 (column 4, lines 1-21). The Shimada, et al. patent also discloses the manner in which the recorded character video signal recorded in the "11" mode is reproduced (column 5, lines 16-63). However, the Shimada, et al. patent does not disclose the manner in which the recorded video signal recorded in the "01" mode is reproduced. Therefore, the Shimada, et al. patent does not teach or suggest changing the superimposing position of DATA1 (first type data) on a display according to whether DATA2 (the second type data) is present in the ID signal with DATA1. Further, the Shimada et al. patent does not teach or suggest changing the superimposing position of DATA1 on a display according to whether DATA2 is present in a reproducing mode.

Accordingly, there is nothing taught or suggested in the Shimada, et al. patent of varying the position at which the first type data (or DATA1) is superimposed on the display screen, according to the mode, in a reproducing mode for reproducing the image information and the ID data. The cited Yamagata, et al. patent fails to add anything to the Shimada, et al. patent to change this conclusion.

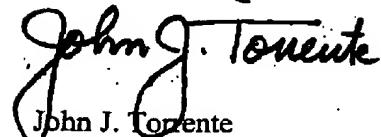
Applicants' amended independent claims 49, 51, 54 and 55, and their respective dependent claims, all of which recite one or more of the above features, thus patentably distinguish over the Shimada, et al. patent.

In view of the above, it is submitted that applicants' claims, as amended, patentably distinguish over the cited art of record and it is submitted that this application is now in condition for allowance. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner

telephone applicants' counsel at (212) 682-9640.

Dated: April 26, 2004

Respectfully submitted,



John J. Torrente
Reg. No. 26,359
An Attorney of Record

ROBIN, BLECKER & DALEY
330 Madison Avenue
New York, New York 10017
T (212) 682-9640